

**Remarks**

This Amendment is in response to the Final Office Action dated **March 6, 2008**, and is being filed with a Request for Continued Examination (RCE). Claims 1-14 and 35-38 are pending in this application. The Office Action rejected claims 1, 7-9, 13 and 14 under 35 USC § 102 over Richter (US 2002/0107560); rejected claims 2-6 and 10-12 under 35 USC § 103 over Richter; and rejected claims 35-38 under 35 USC § 103 over Camrud (US 6258117).

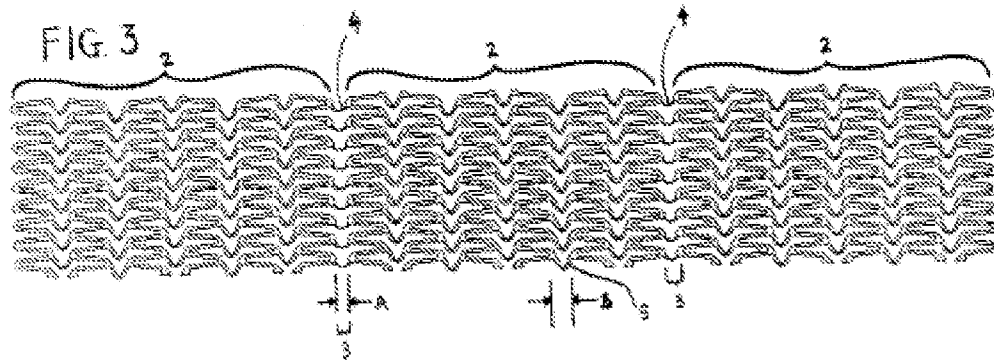
By this amendment, claims 1, 13, 14 and 35 are amended and new claim 55 is added. Applicants reserve the right to prosecute any cancelled subject matter in a subsequent related patent application. Support for the amendment to claim 1 and for new claim 55 can be found at least in Figure 1 and in the specification at page 6, lines 5-19 and page 7, lines 12-13. Dependent claims 13 and 14 are amended for clarification purposes only, to be consistent with the amended language of independent claim 1. Independent claim 35 is amended for clarification purposes only. Reconsideration in view of the above amendments and following remarks is requested.

**Claim Rejections (Richter)**

The Office Action rejected claims 1, 7-9, 13 and 14 under 35 USC § 102 over Richter, and also rejected claims 2-6 and 10-12 under 35 USC § 103 over Richter. Although the rejections are traversed for at least the reasons presented in the Response filed December 19, 2007, claim 1 is amended herein to further prosecution of the Application. The amendments are believed to render the rejections moot.

Claim 1 now recites a “first serpentine band” and a “second serpentine band,” and requires “at least one permanent connector strut” and “at least one disengagable connector strut” to connect between the first and second serpentine bands.

Richter teaches a stent having “designated detachment zones 3” containing “designated detachment struts 4.” See Figure 3, provided below, and paragraphs 0017 and 0019. After the designated detachment struts 4 detach, the stent comprises a series of separated stent segments. See paragraph 0024.



The Office Action refers to Figure 3, asserting that permanent connector struts 5 and disengagable connector struts 4 are shown. See Office Action at page 2.

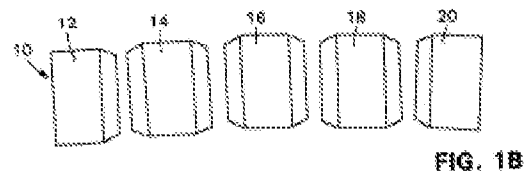
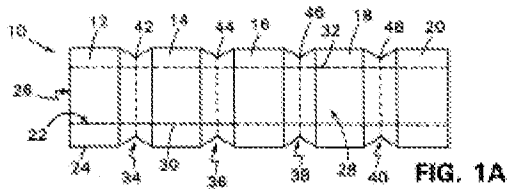
Under the Office Action's characterization of Richter, the limitations of amended claim 1 are not met. Adjacent serpentine bands in the Richter stent are connected by a single type of connector strut. Thus, adjacent bands are either connected by permanent connector struts or by disengagable connector struts.

Richter does not disclose or suggest a permanent connector strut and a disengagable connector strut connecting between a first serpentine band and a second serpentine band, as required by claim 1. The Office Action does not assert any modification to Richter that would result in a device that meets the limitations of claim 1. Therefore, claim 1 is patentable over Richter under 35 USC §§ 102 & 103. Claims 2-14 depend from claim 1 and are patentable over Richter for at least the reasons discussed with respect to claim 1. Applicants request withdrawal of the rejections under 35 USC §§ 102 & 103 over Richter.

### **Claim Rejections (Camrud)**

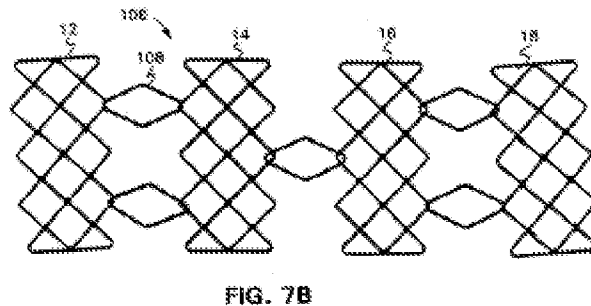
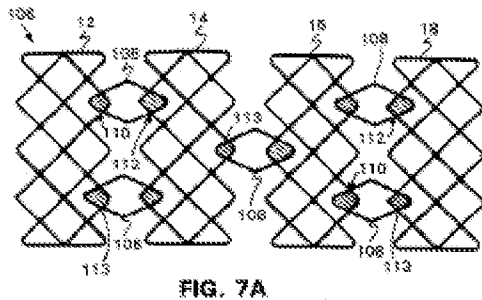
The Office Action rejected claims 35-38 under 35 USC § 103 over Camrud. These rejections are traversed. Claim 35 is amended for clarification purposes only, as discussed below.

Camrud teaches a multi-section stent that is capable of breaking apart into multiple sections after deployment in a vessel. See e.g. column 1, lines 30-39 and Figures 1A and 1B, provided below.



Camrud teaches another embodiment, for example as shown in Figure 7A, wherein the multiple sections remain connected after deployment via interlocking links 108.

This embodiment is provided with breakable or degradable material 113, which temporarily fortifies the connections, but then allows movement upon breakage or degradation. See Figures 7A and 7B, provided below, and column 10, lines 7-19.



Applicants previously asserted that Figure 7A did not meet the limitations of claim 35, which recites, “wherein the mass of the metal framework decreases upon disengagement of said disengagable connector strut.” All of the materials Camrud discloses as suitable for the degradable connections are non-metallic. Therefore, even if the non-metallic materials degrade, the mass of the metal framework of the Camrud stent does not decrease as required by claim 35. See e.g. Response filed December 19, 2007 at pages 7-9.

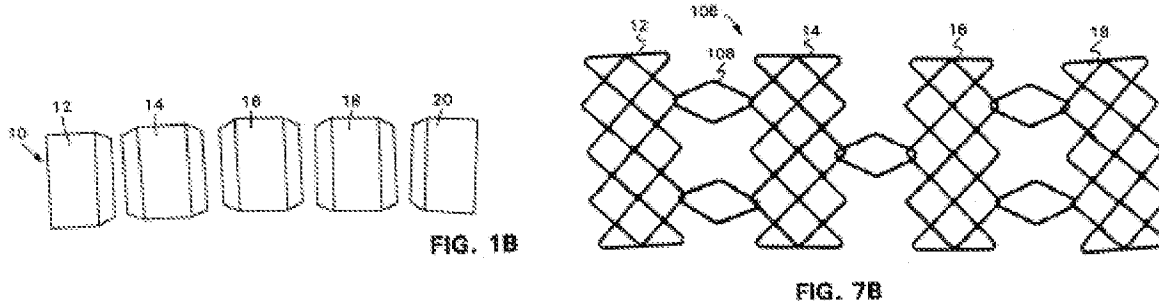
In response, the Office Action asserts that the degradable connections are considered part of the metal framework, so the mass of the metal framework does decrease. See Office Action at page 7.

Although the assertion in the Office Action is traversed, claim 35 is amended herein for clarification purposes only, for the purpose of furthering prosecution of the Application. The amendment is made in response to a questionable assertion by the Examiner, and is not intended to impact claim scope. Claim 35 now recites, “wherein the mass of the metal in the metal framework decreases upon disengagement of said disengagable connector strut.” The amendment precludes the interpretation of Camrud asserted in the Office Action.

Camrud does not disclose or suggest that any mass of metal decreases upon disengagement of any degradable or breakable connection. Therefore, Camrud does not disclose or suggest each limitation of claim 35.

Further, a person of ordinary skill in the art would not have modified Camrud as proposed in the rejection because the modification would defeat the purpose for Camrud's alternative embodiments.

The embodiment of Camrud Figures 1A and 1B completely detaches to form independent sections, whereas the embodiment of Figures 7A and 7B includes sections that remain connected by links 108 after the degradable material disengages. See e.g. Figures 1B and 7B below.



The Office Action characterizes the links 108 in Figure 7B as permanent connector struts, and proposes to modify Figure 7B to have disengagable connector struts. See Office Action at pages 4-5.

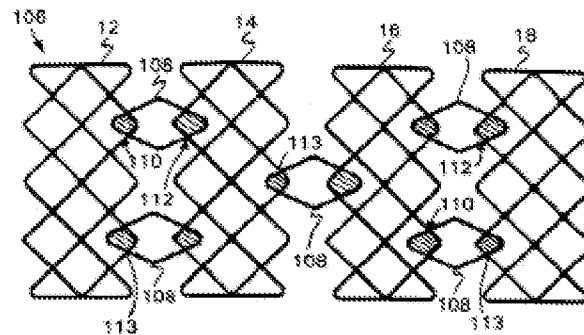
A person of ordinary skill in the art would not have been motivated to modify Figure 7B as proposed in the rejection. If complete separation between the stent sections was desired, the embodiment of Figures 1A/1B would be used, rather than a modified version of Figure 7B. Any modification to Figure 7B that would result in a complete separation between adjacent stent sections would defeat the purpose of the links 108, also defeating the purpose for having the embodiment of Figure 7B.

In order to meet the limitations of claim 35, Figure 7A/7B would have to be modified such that a permanent link 108 and a modified detachable version of a link 108 extend between the same two adjacent stent sections.

The rejection does not discuss how the link 108 would be modified to become detachable; however, a person of ordinary skill in the art would not have been motivated to

modify a link 108 to make it detachable. The links 108 function similar to chain links, and if a link 108 were arranged to somehow sever, that link 108 could separate from stent sections and become free within the bodily vessel. For this reason alone, the link 108 would not be modified to be “detachable.”

Moreover, a modified detachable link 108 would not be necessary. Figure 7A shows two stent sections joined by a single link 108 – see center of Figure 7A below. Thus, a single link 108 between stent sections is suitable for Camrud’s stent.



**FIG. 7A**

For any two adjacent stent sections that are connected by a pair of links 108, there would be no reason to make one of the links detachable. A single link 108 clearly provides adequate functionality between the adjacent stent sections. Rather than attempting to modify a link to make it detachable, a person of ordinary skill in the art would have simply omitted the link entirely. The rejection’s proposal to modify a link stems from a hindsight attempt to reach the pending claims. There is no reason to make a link detachable when it could simply be omitted.

Camrud provides different types of connectors in different embodiments to achieve different results. While both types of connectors provide a similar rigid connection between adjacent stent sections before breakage/degradation, they provide very different results after breakage/degradation. The breakable connectors of Figure 1B provide for a complete separation of the adjacent stent sections, whereas the links 108 of Figure 7B allow some freedom of movement between stent sections that ultimately remain connected. The type of connectors used in a Camrud stent is selected based upon whether the adjacent stent sections should remain connected or become completely separated. A person of ordinary skill in the art would recognize that the two types of connections achieve opposite results, and if both were provided between the same stent sections, they would conflict with one another and one would negate the function of

the other. Therefore, a person of ordinary skill in the art would not modify Camrud as proposed in the Office Action.

In view of the above remarks, Applicants assert that the rejection does not establish a *prima facie* case of obviousness against independent claim 35, and that claim 35 is patentable over Camrud. Claims 36-38 depend from claim 35, and are patentable over Camrud for at least the reasons discussed with respect to claim 35. Accordingly, Applicants request withdrawal of the rejections over Camrud.

### **Conclusion**

Based on at least the foregoing remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-14, 35-38 and 55 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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